



MINUTES

City Commission Meeting

6:00 PM – Thursday, October 06, 2022 – City Hall

INVOCATION: Moment of silence was observed.

PLEDGE OF ALLEGIANCE: Commissioner Cobb

CALL TO ORDER: 6:00 p.m.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Nan Cobb, Commissioner Willie Hawkins, Commissioner Karen LeHeup-Smith, Vice Mayor Emily Lee and Mayor Michael Holland

1. APPROVAL OF MINUTES

1.1 August 18, 2022 City Commission Meeting Minutes

A motion was made to approve the Minutes as submitted. Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Commissioner Hawkins, Commissioner LeHeup-Smith, Vice Mayor Lee and Mayor Holland

2. AGENDA UPDATE: None

3. PRESENTATIONS

3.1 Overview of Community Development District (CDD)

Tom Carrino, City Manager, provided a general overview of Community Development Districts (CDDs) explaining those are tools established by Florida Statute Chapter 190 providing for independent special districts or local special purpose governments with specific/special purposes for a limited geographic area. He noted they are distinct from a general purpose government which would be a city or county. He stated specific parameters exist for the establishment of a CDD based on acreage with a petition filing fee and jurisdiction based on acreage and location. He commented on the items to be included in a petition, including metes and bounds legal description of the subject area, written consent of all landowners, designation of five initial Board of Supervisor members, proposed name of the district, map of the area with water and sewer infrastructure, proposed good faith construction timetable and estimated costs of improvements, information on land use and consistency with Comprehensive Plan, and statement of estimated regulatory costs. Mr. Carrino noted the requirements for a public hearing and cited the general powers of a CDD per FS 190.011 which specifies borrowing money and issuing bonds.

Mr. Carrino specified what must be considered by the approving body in determining whether or not to approve the creation of the CDD. He cited what CDD's can do as stated in the statute and then reviewed the special powers pursuant to FS 90.012. He noted other special powers that can be done with the consent of the local government. He explained that the CDD is overseen by a Board of Supervisors

consisting of five members which are initially appointed by the landowner. The CDD Board may eventually transition to homeowners based on certain criteria. He cautioned that when a CDD is created by a developer and the developer appoints the first five seats, it is assumed that those initial board members will have a conflict of interest as they work for or are otherwise associated with the developer. With a regular local government, if a member is going to personally benefit from a vote, they must declare a conflict of interest; however, that is not the case with the CDD since it is assumed the board members will have a conflict.

Mr. Carrino then explained how CDDs work and how they can issue bonds for improvements and services. Properties within the CDD are assessed annually to repay the debt on those bonds. He noted they can also place liens on property within the CDD and foreclose on those.

Mr. Carrino noted local examples in Lake County and other regional areas as well as upcoming items in the City of Eustis for consideration of petitions. He cited a number of CDDs that exist in Lake County and Central Florida. He indicated that TLC Pine Meadows LLC will be submitting to the City a petition for creation of a CDD which will come before the Commission on first reading at the October 20th meeting. He asked that the Commission restrict any questions to CDDs in general and not about the TLC petition.

The Commission asked why the City would benefit from a CDD with Mr. Carrino responding that the infrastructure of a CDD may be expedited and they could potentially do more improvements than they might normally do.

The Commission asked if the City would lose oversight because there would now be another level of government.

Mr. Carrino stated the City would not lose oversight of its own services. If a CDD builds a water or sewer treatment plant, then they would be responsible for running those unless they turned them over to the City. He indicated what they do lose control of is that there is another taxing district levying assessments on properties within the City.

The Commission asked about the timeframe with Mr. Carrino stating that the statute states that after six years the transition begins between developer's board members to the resident board members; however, that only occurs once there are 250 qualified electors within the CDD. Therefore, the timeframe is subject to how quickly the development gets built.

The Commission asked if the City would have to build a park or conference center for the CDD with Mr. Carrino explaining that the list is for amenities the CDD is able to do not what the City is responsible for.

The Commission confirmed they would still have to abide by all of the City's permitting regulations. They confirmed that a property owner within the CDD would pay for the normal taxation by the City and County and then an additional levy by the CDD.

The Commission asked how long the CDD lasts with Mr. Carrino indicating it could sunset once the original financing is paid off; however, the homeowners could continue it in order to build more amenities. It would be up to the Board of Supervisors. He explained that the development never gets "turned over" to the City.

The Commission asked about successful versus not successful CDDs with Mr. Carrino indicating it is a funding mechanism and is similar to an HOA. Mr. Carrino added that in some areas it can also become a service provider where they don't otherwise exist.

The Commission discussed the benefits to the developer and how the CDD's have worked in the area. They questioned whether they might have some of the same problems as an HOA with infrastructure. They questioned whether or not they sometimes become HOAs with Mr. Carrino explaining there are areas that have both.

Mr. Carrino indicated that they would have to abide by all of the City's land use and site planning regulations. He confirmed that, if the City ever approves a fire assessment, they would also be subject to that assessment.

The Commission asked whether a member of the Board of Supervisors could run for the Commission with Derek Schroth, City Attorney, confirming they have to resign due to the dual office prohibition.

4. AUDIENCE TO BE HEARD

Cindy Newton, resident of Lake County, commented on the heavy rain during Hurricane Ian and the high levels of the east and west retention ponds in the Bates neighborhood. She expressed concern that the ponds may not be draining properly.

5. CONSENT AGENDA

5.1 Resolution Number 22-66: Approval of Purchase in Excess of \$50,000 for Customer Service Postage Costs

5.2 Resolution Number 22-67: A Resolution supporting the Grant Award Agreement for a Small Matching Grant from the Department of State, Division of Historical Resources

5.3 Resolution Number 22-70 Purchase of Books and Other Reading Materials

5.4 Resolution Number 22-71: Approve Extension of Verteks contract and purchases over \$50,000

5.5 Resolution Number 22-72: Authorizing multiple annual purchases in excess of \$50,000 for each of six products and services that are essential for the Water and Wastewater daily operations

A motion was made to approve the Consent Agenda as submitted. Motion made by Vice Mayor Lee, Seconded by Commissioner Hawkins. The motion passed by the following vote:

Voting Yea: Commissioner Cobb, Commissioner Hawkins, Commissioner LeHeup-Smith, Vice Mayor Lee and Mayor Holland

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 22-73: City Commission Benefits

Attorney Schroth read Resolution Number 22-73 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, amending the Personnel Rules and Regulations of the City of Eustis Section 4.19, City Commission Benefits and Section 4.13.C, Cemetery Plots and Urn Interment Spaces.

Bill Howe, Human Resources Director, reviewed the proposed changes to the Personnel Rules and Regulations as follows: 1) Updating retirement plan provider from ICMA to Empower; 2) Including paid medical insurance benefits as provided to fulltime employees; 3) Including vision insurance to be paid by Commissioners; and 4) Revising Section 4.13 regarding cemetery spaces to clarify that Commissioners with at least seven years of continuous service with the City are entitled to apply for two cemetery spaces without being vested in the retirement plan.

The Commission discussed the proposed changes and the years of service required to obtain the cemetery spaces with Mr. Carrino explaining the benefit was only changed to eliminate the need to be vested in the retirement plan since the Commission is not entitled to the retirement. The length of time required for years of service was not changed.

The Commission asked about the health insurance options and premiums paid for coverages. They discussed the paid medical insurance inequality between Commissioners for those who take coverage and others who do not. It was noted that inequality is what caused the Commissioners to vote to remove those benefits previously.

Mr. Schroth opened the public hearing at 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

A motion was made to approve Resolution Number 22-73 with a revision to change the years of continuous service from seven years to four. Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins. The motion passed on the following vote:

Voting Yea: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

Voting Nay: Commissioner LeHeup-Smith

Attorney Schroth noted that, due to the change in years of service, the resolution would be brought back to the next meeting on the Consent Agenda.

7. OTHER BUSINESS

7.1 Special Event Permit Process

Commissioner Hawkins explained the reason he requested the discussion stating he has concerns regarding some of the recent events.

Craig Capri, Police Chief, discussed the special event permit process in the City of Eustis and issues that have arisen. He cited issues in particular with one venue including noise complaints, incidents with weapons, arrests, underage drinking and reckless drivers. He commented on the possibility of establishing an after hours special permit. He commented on how events were handled in Daytona Beach including the use of the after hours permit which required specific criteria.

Chief Capri stated he did not believe the City should have events past midnight particularly in the residential neighborhoods. He cited issues with people hanging out in the parking lots after an event. He noted that he met with the venue owner and they are being cooperative. He indicated that even businesses such as the convenience stores that may sell alcohol after midnight could be required to apply for the permit. The cost of the permit could be used to help underwrite enforcement.

The Commission expressed an interest in exploring the after hours permit particularly in light of the possibility of there being more residents living in the downtown area.

Discussion was held regarding how the events affect the local residents and issues surrounding some of the events particularly after midnight.

The Commission asked if the permit would also affect events at the Lake County Fairgrounds which is in the City. Chief Capri confirmed the permit would apply to those events as well.

Chief Capri asked the Commission to review the materials presented to them regarding a Special Permit Process.

Further discussion was held regarding some of the issues and which events they occurred at.

CONSENSUS: It was a consensus of the Commission for the Chief to prepare something and bring it back for consideration.

8. FUTURE AGENDA ITEMS: None

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith announced she would be leaving on vacation.

Commissioner Cobb reported she would be attending the FRA training and the elected official program.

Commissioner Hawkins reminded citizens they would be painting the high school on Saturday, October 15th. He commented that the City's response to the hurricane was amazing and stated he was proud of staff and everyone who helped.

Vice Mayor Lee complimented the City's hurricane response team on the excellent job. She thanked the young men who helped her fill sand bags.

9.2 City Manager

Mr. Carrino reported that FDOT will be doing some major improvements through downtown related to pedestrian safety. He noted they held a public input meeting at the community center and indicated they are working with the property owners. He announced he invited FDOT to come and discuss the project and how it will impact the City. He asked the Commission whether they wanted a presentation at a meeting or a workshop prior to a regular meeting.

It was agreed they would hold a workshop immediately prior to a regular meeting.

Vice Mayor Lee asked about the status of the downtown development project.

Mr. Carrino responded that the Commission authorized staff to negotiate with G3C2 related to the Waterman site. He indicated staff has been meeting with them and stated staff needs to bring back a master plan agreement for Commission consideration. He stated they are not yet ready to do that. He noted that they will be going through a strategic plan process and it needs to be determined how that will work with the master plan for downtown.

The Commission commented on the need to coordinate both of those processes with Mr. Carrino noting that the developer is going to want to move forward as well.

Mr. Carrino thanked the City's team for their storm response and commented on the City and Waste Management's work on clean up.

Commissioner Hawkins commented on the workers maintaining the islands and stated they are not putting out the safety cones and they need to do that to protect the workers. He then asked about the anti-bear trash cans with Mr. Carrino responding that he was contacted by Waste Management and they are working to schedule a meeting.

9.3 City Attorney - None

9.4 Mayor

Mayor Holland further thanked City staff for its storm preparedness noting they communicate and work well together. He stated that two City firefighters have been deployed to southwest Florida and they have just returned with two more firefighters now deployed. He commented on how bad the damage was in other areas of the state and thanked residents for listening to the precautions.

Mayor Holland then noted the upcoming events in October and thanked everyone for attending.

10. ADJOURNMENT: 7:05 p.m.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner